

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DIAMOND OFFSHORE DRILLING LTD.	§	C.A. NO. 4:12-cv-1335
	§	
VS.	§	PURSUANT TO RULE 9(H) AND
	§	THE FEDERAL RULES OF CIVIL
SEABULK OFFSHORE DO BRASIL, LTDA.	§	PROCEDURE - ADMIRALTY
and SEABULK INTERNATIONAL, INC.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Diamond Offshore Drilling, Ltd. (hereinafter referred to as "Diamond Offshore"), Plaintiff in the above-entitled and –numbered cause, and files this its Original Complaint complaining of Seabulk Offshore do Brasil, Ltda. and Seabulk International, Inc. (hereinafter collectively referred to as "Seabulk" or "Defendants") and, in support hereof, would respectfully show as follows:

I.

This is an admiralty and maritime claim filed pursuant to Rule 9(h) of the Federal Rules of Civil Procedure. This court has jurisdiction pursuant to 28 U.S.C. § 1333.

II.

Venue is proper in this matter pursuant to the admiralty and maritime laws of the United States in that Defendants do business in the Southern District of Texas and are amenable to process here. Alternatively, Defendants have continuous and systematic contacts with the State of Texas such that the exercise of personal jurisdiction is consistent with the Constitution's due process clause.

III.

Plaintiff is a business corporation having its principal place of business within this District and was the owner of the MODU OCEAN YATZY at all relevant times.

IV.

Defendant, Seabulk Offshore do Brasil Ltda. is a foreign business entity which may be served by serving an officer/registered agent of Seabulk International, Inc., at the addresses listed hereinbelow.

Defendant, Seabulk International Inc., is a Delaware corporation with its principal place of business at 2200 Eller Drive, Fort Lauderdale, Florida - 33316. Defendant may be served by serving NRAI Services, Inc., 515 East Park Avenue, Tallahassee, Florida – 32301 or by serving an officer of the company at 2200 Eller Drive, Fort Lauderdale, Florida - 33316.

Defendant Seabulk International, Inc. owned the M/V SEABULK BRASIL, a vessel operating at relevant times on navigable waters.

Defendant Seabulk Offshore do Brasil, Ltda. owned the M/V SEABULK BRASIL, a vessel operating on navigable waters, at all relevant times.

V.

On or about January 29, 2009, the MODU OCEAN YATZY was operating off the coast of Brazil on navigable waters. The SEABULK BRASIL negligently failed to hold her position while operating alongside and in close proximity to the MODU OCEAN YATZY and collided with the MODU OCEAN YATZY, thereby causing substantial damage to the MODU OCEAN YATZY.

VI.

The damages to the MODU OCEAN YATZY were the direct result of the negligent acts and omissions of Defendants, and the unseaworthy condition of the M/V SEABULK BRASIL. Due to such negligent acts and/or unseaworthy conditions, Defendants are responsible to Plaintiff for the damages which Plaintiff sustained as a result of the collision.

VII.

The damages sustained by the Plaintiff include expenses incurred in repairing the MODU OCEAN YATZY, damages sustained to the vessel, loss of value to the vessel, loss of use of the vessel, towage costs, shipyard costs, costs associated with mobilization/demobilization, and such other damages as may be recoverable pursuant to law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Diamond Offshore Drilling, Ltd., prays that Defendants, Seabulk Offshore do Brasil S.A. and Seabulk International, Inc., be cited to appear and answer, and that on final trial, Plaintiff be awarded damages, costs, expenses, pre-judgment and post-judgment interest, and such other and further relief to which it may be justly entitled.

Respectfully submitted,

By: /s/ James R. Watkins
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